

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHEFAA AHMED,

Plaintiff(s),

CASE NUMBER: 08-10340

v.

HONORABLE SEAN F. COX

U.S. IMMIGRATION AND
NATURALIZATION SERVICES,

Defendant(s).

ORDER

This matter is before the Court on Defendant's Motion for remand. Plaintiff has not filed a response opposing remand, and the time permitted for doing so has expired. The Court declines to hold oral argument pursuant to L.R. 7.1(e)(2). For the following reasons, the Court **GRANTS** Defendant's Motion to remand the action to the United States Citizenship and Immigration Services for adjudication of plaintiff's application for naturalization after resolution of all issues arising out of plaintiff's security and background checks.

Plaintiff, Shefaa Ahmed, seeks U.S. citizenship. On or about March 13, 2006, she filed an Application for Naturalization with the United States Citizenship and Immigration Services ("CIS"). Plaintiff was interviewed on July 12, 2006, and passed the requisite tests, but was told at that time her application could not be adjudicated. Subsequently, CIS received the results of the Interagency Border Inspection System ("IBIS") and Federal Bureau of Investigation ("FBI") background checks. CIS requested additional information from Plaintiff on July 14, 2008, to which plaintiff was given 30 days to respond. CIS still has not received the additional

information requested of Plaintiff, and claims that, without such information, they will be unable to determine if Plaintiff is eligible for naturalization or if further interview or information is required. Thus, Plaintiff's application for citizenship has not been decided.

On December 26, 2007, Plaintiff filed a Complaint requesting this Court to assume jurisdiction and issue a ruling on her naturalization application pursuant to 8 U.S.C. § 1447(b). On July 25, 2008, Defendant filed a Motion to remand to the CIS. Defendant concedes that, pursuant to 8 U.S.C. § 1447(b), this Court has jurisdiction over Plaintiff's naturalization application to "either determine the matter or remand the matter" for CIS to make the decision. 8 U.S.C. § 1447(b). [Motion, p.5]. However, Defendant contends that the better course would be to remand to the CIS, the agency charged with the responsibility to decide applications for naturalization in the first instance.

This Court agrees with the reasons set forth in *Khelifa v. Chertoff*, 433 F.Supp.2d 836 (E.D. Mich. 2006), that it is more prudent to allow the CIS the opportunity to determine the Plaintiff's entitlement to citizenship in the first instance. *Khelifa* at 844-45, *see also* *Asgari v. Gonzales*, 2007 WL 1834710 (E.D. Mich. Jun. 22, 2008)(Cox, J., granting remand); *Yang v. Chertoff*, 2008 WL 344544 (E.D. Mich. Feb. 6, 2008)(Cox, J., granting remand). Therefore, the Court **GRANTS** Defendant's Motion to remand the action to CIS for resolution within 120 days following completion of Plaintiff's security and background checks.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: October 3, 2008

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PROOF OF SERVICE

I hereby certify that on October 3, 2008, a copy of the foregoing document was served upon counsel of record by electronic means and by First Class Mail upon:

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S/ Jennifer Hernandez
Case Manager